

**United States District Court
Northern District of New York**

Samantha Gabert,)	Case 1:20-cv-01638-GTS-DJS
<i>Plaintiff,</i>)	
)	Glenn T. Suddaby
vs.)	United States District Judge
)	
Kilolo Kijakazi ¹ ,)	Daniel J. Stewart
Acting Commissioner of)	United States Magistrate Judge
Social Security)	
<i>Defendant.</i>)	Stipulation – Document Filed Electronically

Parties' Stipulation for Remand

The parties stipulate that the Commissioner's final decision be reversed and that this action be remanded to the Commissioner for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). On remand, the ALJ will give provide Plaintiff the opportunity for a new hearing, re-evaluate Ms. Elder's opinion, and issue a new decision.

The parties consent to the entry of judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Respectfully Submitted,

Kilolo Kijakazi,

Samantha Gabert

By Her Attorneys

By Her Attorney

Carla B. Freedman,
United States Attorney

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 43(c)(2) of the Federal Rules of Appellate Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

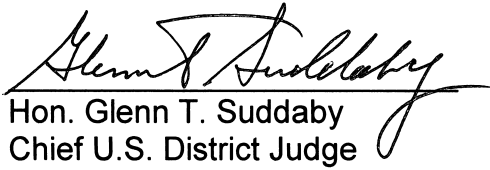
/s/ Lisa G. Smoller

Lisa G. Smoller
Special Assistant United States Attorney
N.D.N.Y. Bar Roll No. 700999
Social Security Administration
Office of the General Counsel
J.F.K. Federal Building, Room 625
Boston, MA 02203
(617) 565-4279
Lisa.g.smoller@ssa.gov

/s/ Kenneth Hiller²

Kenneth Hiller
Law Offices of Kenneth Hiller
6000 N. Bailey Ave., Ste. 1A
Amherst, NY 14226
(716) 564-3288
Khillier@kennethhiller.com

IT IS SO ORDERED:


Hon. Glenn T. Suddaby
Chief U.S. District Judge

Dated: 11/2/2021
Syracuse, NY

² Signed by Lisa Smoller with Kenneth Hiller's permission.